

AMENDED IN SENATE JUNE 5, 2002  
AMENDED IN SENATE MAY 20, 2002  
AMENDED IN SENATE APRIL 30, 2002  
AMENDED IN SENATE APRIL 8, 2002

**SENATE BILL**

**No. 1468**

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**Introduced by Senator Knight**  
*(Coauthor: Senator Alpert)*

February 19, 2002

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An act to amend Sections 65040.2, 65302, 65302.3, 65560, and 65583 of, and to add Section 65040.9 to, the Government Code, and to amend Section 21675 of the Public Utilities Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 1468, as amended, Knight. General plans: military facilities.

(1) The Planning and Zoning Law requires that a general plan consist of various elements, including, among other things, land use, circulation, housing, open space, and conservation elements, which are required to meet specified requirements.

This bill would require the land use element to consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land or other territory adjacent to those military facilities, or underlying designated military aviation routes and airspace. The bill would also require the housing element to contain an analysis of the special housing needs of military personnel and their dependents. The

bill would, with respect to the open-space element, define open-space land to include land or water on a military installation.

The bill would also require the circulation element to consist of the general location and extent of existing and proposed military installations.

~~By increasing the duties of local agency officials, the bill would impose a state-mandated local program.~~ The bill would also provide that a city or county is not required to comply with these provisions until *a specified agreement is entered into between the federal government and the state to fully reimburse all claims approved by the Commission on State Mandates and paid by the Controller that cities and counties would be eligible to file as a result of the enactment of this bill and until the city's or county's next general plan revision. It would make these provisions inoperative on the January 1 following the date that this agreement is terminated.*

*By increasing the duties of local agency officials, the bill would impose a state-mandated local program.*

(2) Existing law establishes the Governor's Office of Planning and Research as the comprehensive state planning agency, responsible for long-range planning with responsibilities to, among other things, provide planning assistance to city and county planning agencies. The office is required to develop and adopt guidelines for the preparation and content of the mandatory elements required in city and county general plans.

This bill would require the office, on or before January 1, 2004, if sufficient federal funds become available, to prepare and publish an advisory planning handbook for local officials, planners, and builders, and to develop and adopt guidelines that explain how to reduce land use conflicts between the effects of civilian development and military readiness activities carried out on specified military installations and areas.

(3) Existing law requires the California Public Utilities Commission to formulate a comprehensive land use plan that provides, among other things, for the orderly growth of public airports and the area surrounding the airport that is within the jurisdiction of the commission. The plan may include the area within the jurisdiction of the commission surrounding any federal military airport.

This bill instead would require that the area within the jurisdiction of the commission surrounding any military airport be included in the plan, and would require that the plan be consistent with the safety and



noise standards in the Air Installation Compatible Use Zone prepared for that military airport. The bill would also require that a county's general plan and any applicable specific plan be consistent with these safety and noise standards in each county where an airport land use commission does not exist, but where there is a military airport.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65040.2 of the Government Code is  
2 amended to read:

3 65040.2. (a) In connection with its responsibilities under  
4 subdivision (l) of Section 65040, the office shall develop and adopt  
5 guidelines for the preparation and content of the mandatory  
6 elements required in city and county general plans by Article 5  
7 (commencing with Section 65300) of Chapter 3. For purposes of  
8 this section, the guidelines prepared pursuant to Section 50459 of  
9 the Health and Safety Code shall be the guidelines for the housing  
10 element required by Section 65302. In the event that additional  
11 elements are hereafter required in city and county general plans by  
12 Article 5 (commencing with Section 65300) of Chapter 3, the  
13 office shall adopt guidelines for those elements within six months  
14 of the effective date of the legislation requiring those additional  
15 elements.

16 (b) The office may request from each state department and  
17 agency, as it deems appropriate, and the department or agency  
18 shall provide, technical assistance in readopting, amending, or  
19 repealing the guidelines.



1 (c) The guidelines shall be advisory to each city and county in  
2 order to provide assistance in preparing and maintaining their  
3 respective general plans.

4 (d) The guidelines shall contain the guidelines for addressing  
5 environmental justice matters developed pursuant to Section  
6 65040.12.

7 (e) The guidelines shall contain advice for addressing the  
8 effects of civilian development on military readiness activities  
9 carried out on all of the following:

- 10 (1) Military installations.
- 11 (2) Military operating areas.
- 12 (3) Military training areas.
- 13 (4) Military training routes.
- 14 (5) Military airspace.
- 15 (6) Other territory adjacent to those installations and areas.

16 (f) The office shall provide for regular review and revision of  
17 the guidelines established pursuant to this section.

18 SEC. 2. Section 65040.9 is added to the Government Code, to  
19 read:

20 65040.9. (a) On or before January 1, 2004, the Office of  
21 Planning and Research shall, if sufficient federal funds become  
22 available for this purpose, prepare and publish an advisory  
23 planning handbook for use by local officials, planners, and  
24 builders that explains how to reduce land use conflicts between the  
25 effects of civilian development and military readiness activities  
26 carried out on military installations, military operating areas,  
27 military training areas, military training routes, and military  
28 airspace, and other territory adjacent to those installations and  
29 areas.

30 (b) At a minimum, the advisory planning handbook shall  
31 include advice regarding all of the following:

- 32 (1) The collection and preparation of data and analysis.
- 33 (2) The preparation and adoption of goals, policies, and  
34 standards.
- 35 (3) The adoption and monitoring of feasible implementation  
36 measures.
- 37 (4) Methods to resolve conflicts between civilian and military  
38 land uses and activities.

39 (c) In preparing the advisory planning handbook, the office  
40 shall collaborate with the Office of Military Base Retention and



1 Reuse within the Trade, Technology, and Commerce Agency. The  
2 office shall consult with persons and organizations with  
3 knowledge and experience in land use issues affecting military  
4 installations and activities.

5 (d) The office may accept and expend any grants and gifts from  
6 any source, public or private, for the purposes of this section.

7 SEC. 3. Section 65302 of the Government Code is amended  
8 to read:

9 65302. The general plan shall consist of a statement of  
10 development policies and shall include a diagram or diagrams and  
11 text setting forth objectives, principles, standards, and plan  
12 proposals. The plan shall include the following elements:

13 (a) A land use element which designates the proposed general  
14 distribution and general location and extent of the uses of the land  
15 for housing, business, industry, open space, including agriculture,  
16 natural resources, recreation, and enjoyment of scenic beauty,  
17 education, public buildings and grounds, solid and liquid waste  
18 disposal facilities, and other categories of public and private uses  
19 of land. The land use element shall include a statement of the  
20 standards of population density and building intensity  
21 recommended for the various districts and other territory covered  
22 by the plan. The land use element shall identify areas covered by  
23 the plan which are subject to flooding and shall be reviewed  
24 annually with respect to those areas. The land use element shall  
25 also do both of the following:

26 (1) Designate in a land use category that provides for timber  
27 production those parcels of real property zoned for timberland  
28 production pursuant to the California Timberland Productivity  
29 Act of 1982, Chapter 6.7 (commencing with Section 51100) of  
30 Part 1 of Division 1 of Title 5.

31 (2) Consider the impact of new growth on military readiness  
32 activities carried out on military bases, installations, and operating  
33 and training areas, when proposing zoning ordinances or  
34 designating land uses covered by the general plan for land, or other  
35 territory adjacent to military facilities, or underlying designated  
36 military aviation routes and airspace.

37 (A) In determining the impact of new growth on military  
38 readiness activities, information provided by military facilities  
39 shall be considered.

40 (B) The following definitions govern this paragraph:



1 (i) “Military readiness activities” mean all of the following:

2 (I) Training, support, and operations that prepare the men and  
3 women of the military for combat.

4 (II) Operation, maintenance, and security of any military  
5 installation.

6 (III) Testing of military equipment, vehicles, weapons, and  
7 sensors for proper operation or suitability for combat use.

8 (ii) “Military installation” means a base, camp, post, station,  
9 yard, center, homeport facility for any ship, or other activity under  
10 the jurisdiction of the United States Department of Defense as  
11 defined in paragraph (1) of subsection (e) of Section 2687 of Title  
12 10 of the United States Code.

13 (b) A circulation element consisting of the general location and  
14 extent of existing and proposed major thoroughfares,  
15 transportation routes, terminals, any military installation, and  
16 other local public utilities and facilities, all correlated with the land  
17 use element of the plan.

18 (c) A housing element as provided in Article 10.6  
19 (commencing with Section 65580).

20 (d) A conservation element for the conservation, development,  
21 and utilization of natural resources including water and its  
22 hydraulic force, forests, soils, rivers and other waters, harbors,  
23 fisheries, wildlife, minerals, and other natural resources. The  
24 conservation element shall consider the effect of civilian  
25 development on natural resources located on military installations.  
26 That portion of the conservation element including waters shall be  
27 developed in coordination with any countywide water agency and  
28 with all district and city agencies ~~have~~ that have developed,  
29 served, controlled or conserved water for any purpose for the  
30 county or city for which the plan is prepared. Coordination shall  
31 include the discussion and evaluation of any water supply and  
32 demand information described in Section 65352.5, if that  
33 information has been submitted by the water agency to the city or  
34 county. The conservation element may also cover the following:

35 (1) The reclamation of land and waters.

36 (2) Prevention and control of the pollution of streams and other  
37 waters.

38 (3) Regulation of the use of land in stream channels and other  
39 areas required for the accomplishment of the conservation plan.



1 (4) Prevention, control, and correction of the erosion of soils,  
2 beaches, and shores.

3 (5) Protection of watersheds.

4 (6) The location, quantity and quality of the rock, sand and  
5 gravel resources.

6 (7) Flood control.

7 The conservation element shall be prepared and adopted no later  
8 than December 31, 1973.

9 (e) An open-space element as provided in Article 10.5  
10 (commencing with Section 65560).

11 (f) A noise element which shall identify and appraise noise  
12 problems in the community. The noise element shall recognize the  
13 guidelines established by the Office of Noise Control in the State  
14 Department of Health Services and shall analyze and quantify, to  
15 the extent practicable, as determined by the legislative body,  
16 current and projected noise levels for all of the following sources:

17 (1) Highways and freeways.

18 (2) Primary arterials and major local streets.

19 (3) Passenger and freight on-line railroad operations and  
20 ground rapid transit systems.

21 (4) Commercial, general aviation, heliport, helistop, and  
22 military airport operations, aircraft overflights, jet engine test  
23 stands, and all other ground facilities and maintenance functions  
24 related to airport operation.

25 (5) Local industrial plants, including, but not limited to,  
26 railroad classification yards.

27 (6) Other ground stationary noise sources, including, but not  
28 limited to, military installations, identified by local agencies as  
29 contributing to the community noise environment.

30 Noise contours shall be shown for all of these sources and stated  
31 in terms of community noise equivalent level (CNEL) or day-night  
32 average level ( $L_{dn}$ ). The noise contours shall be prepared on the  
33 basis of noise monitoring or following generally accepted noise  
34 modeling techniques for the various sources identified in  
35 paragraphs (1) to (6), inclusive.

36 The noise contours shall be used as a guide for establishing a  
37 pattern of land uses in the land use element that minimizes the  
38 exposure of community residents to excessive noise.

39 The noise element shall include implementation measures and  
40 possible solutions that address existing and foreseeable noise



1 problems, if any. The adopted noise element shall serve as a  
2 guideline for compliance with the state's noise insulation  
3 standards.

4 (g) A safety element for the protection of the community from  
5 any unreasonable risks associated with the effects of seismically  
6 induced surface rupture, ground shaking, ground failure, tsunami,  
7 seiche, and dam failure; slope instability leading to mudslides and  
8 landslides; subsidence, liquefaction and other seismic hazards  
9 identified pursuant to Chapter 7.8 (commencing with Section  
10 2690) of the Public Resources Code, and other geologic hazards  
11 known to the legislative body; flooding; and wild land and urban  
12 fires. The safety element shall include mapping of known seismic  
13 and other geologic hazards. It shall also address evacuation routes,  
14 military installations, peakload water supply requirements, and  
15 minimum road widths and clearances around structures, as those  
16 items relate to identified fire and geologic hazards. Prior to the  
17 periodic review of its general plan and prior to preparing or  
18 revising its safety element, each city and county shall consult the  
19 Division of Mines and Geology of the Department of Conservation  
20 and the Office of Emergency Services for the purpose of including  
21 information known by and available to the department and the  
22 office required by this subdivision.

23 To the extent that a county's safety element is sufficiently  
24 detailed and contains appropriate policies and programs for  
25 adoption by a city, a city may adopt that portion of the county's  
26 safety element that pertains to the city's planning area in  
27 satisfaction of the requirement imposed by this subdivision.

28 At least 45 days prior to adoption or amendment of the safety  
29 element, each county and city shall submit to the Division of Mines  
30 and Geology of the Department of Conservation one copy of a  
31 draft of the safety element or amendment and any technical studies  
32 used for developing the safety element. The division may review  
33 drafts submitted to it to determine whether they incorporate known  
34 seismic and other geologic hazard information, and report its  
35 findings to the planning agency within 30 days of receipt of the  
36 draft of the safety element or amendment pursuant to this  
37 subdivision. The legislative body shall consider the division's  
38 findings prior to final adoption of the safety element or  
39 amendment unless the division's findings are not available within  
40 the above prescribed time limits or unless the division has



1 indicated to the city or county that the division will not review the  
2 safety element. If the division’s findings are not available within  
3 those prescribed time limits, the legislative body may take the  
4 division’s findings into consideration at the time it considers future  
5 amendments to the safety element. Each county and city shall  
6 provide the division with a copy of its adopted safety element or  
7 amendments. The division may review adopted safety elements or  
8 amendments and report its findings. All findings made by the  
9 division shall be advisory to the planning agency and legislative  
10 body.

11 SEC. 4. Section 65302.3 of the Government Code is amended  
12 to read:

13 65302.3. (a) The general plan, and any applicable specific  
14 plan prepared pursuant to Article 8 (commencing with Section  
15 65450), shall be consistent with the plan adopted or amended  
16 pursuant to Section 21675 of the Public Utilities Code.

17 (b) The general plan, and any applicable specific plan, shall be  
18 amended, as necessary, within 180 days of any amendment to the  
19 plan required under Section 21675 of the Public Utilities Code.

20 (c) If the legislative body does not concur with any provision  
21 of the plan required under Section 21675 of the Public Utilities  
22 Code, it may satisfy the provisions of this section by adopting  
23 findings pursuant to Section 21676 of the Public Utilities Code.

24 (d) In each county where an airport land use commission does  
25 not exist, but where there is a military airport, the general plan, and  
26 any applicable specific plan prepared pursuant to Article 8  
27 (commencing with Section 65450), shall be consistent with the  
28 safety and noise standards in the Air Installation Compatible Use  
29 Zone prepared for that military airport.

30 SEC. 5. Section 65560 of the Government Code is amended  
31 to read:

32 65560. (a) “Local open-space plan” is the open-space  
33 element of a county or city general plan adopted by the board or  
34 council, either as the local open-space plan or as the interim local  
35 open-space plan adopted pursuant to Section 65563.

36 (b) “Open-space land” is any parcel or area of land or water,  
37 including land or water on a military installation, that is essentially  
38 unimproved and devoted to an open-space use as defined in this  
39 section, and that is designated on a local, regional or state  
40 open-space plan as any of the following:



1 (1) Open space for the preservation of natural resources  
2 including, but not limited to, areas required for the preservation of  
3 plant and animal life, including habitat for fish and wildlife  
4 species; areas required for ecologic and other scientific study  
5 purposes; rivers, streams, bays and estuaries; and coastal beaches,  
6 lakeshores, banks of rivers and streams, and watershed lands.

7 (2) Open space used for the managed production of resources,  
8 including but not limited to, forest lands, rangeland, agricultural  
9 lands and areas of economic importance for the production of food  
10 or fiber; areas required for recharge of ground water basins; bays,  
11 estuaries, marshes, rivers and streams which are important for the  
12 management of commercial fisheries; and areas containing major  
13 mineral deposits, including those in short supply.

14 (3) Open space for outdoor recreation, including but not  
15 limited to, areas of outstanding scenic, historic and cultural value;  
16 areas particularly suited for park and recreation purposes,  
17 including access to lakeshores, beaches, and rivers and streams;  
18 and areas which serve as links between major recreation and  
19 open-space reservations, including utility easements, banks of  
20 rivers and streams, trails, and scenic highway corridors.

21 (4) Open space for public health and safety, including, but not  
22 limited to, areas which require special management or regulation  
23 because of hazardous or special conditions such as earthquake  
24 fault zones, unstable soil areas, flood plains, watersheds, areas  
25 presenting high fire risks, areas required for the protection of water  
26 quality and water reservoirs and areas required for the protection  
27 and enhancement of air quality.

28 SEC. 6. Section 65583 of the Government Code is amended  
29 to read:

30 65583. The housing element shall consist of an identification  
31 and analysis of existing and projected housing needs and a  
32 statement of goals, policies, quantified objectives, financial  
33 resources, and scheduled programs for the preservation,  
34 improvement, and development of housing. The housing element  
35 shall identify adequate sites for housing, including rental housing,  
36 factory-built housing, and mobilehomes, and shall make adequate  
37 provision for the existing and projected needs of all economic  
38 segments of the community. The element shall contain all of the  
39 following:



1 (a) An assessment of housing needs and an inventory of  
2 resources and constraints relevant to the meeting of these needs.

3 The assessment and inventory shall include all of the following:

4 (1) An analysis of population and employment trends and  
5 documentation of projections and a quantification of the locality's  
6 existing and projected housing needs for all income levels. These  
7 existing and projected needs shall include the locality's share of the  
8 regional housing need in accordance with Section 65584.

9 (2) An analysis and documentation of household  
10 characteristics, including level of payment compared to ability to  
11 pay, housing characteristics, including overcrowding, and housing  
12 stock condition.

13 (3) An inventory of land suitable for residential development,  
14 including vacant sites and sites having potential for  
15 redevelopment, and an analysis of the relationship of zoning and  
16 public facilities and services to these sites.

17 (4) An analysis of potential and actual governmental  
18 constraints upon the maintenance, improvement, or development  
19 of housing for all income levels and for persons with disabilities  
20 as identified in the analysis pursuant to paragraph (4) of  
21 subdivision (a), including land use controls, building codes and  
22 their enforcement, site improvements, fees and other exactions  
23 required of developers, and local processing and permit  
24 procedures. The analysis shall also demonstrate local efforts to  
25 remove governmental constraints that hinder the locality from  
26 meeting its share of the regional housing need in accordance with  
27 Section 65584 and from meeting the need for housing for persons  
28 with disabilities identified pursuant to paragraph (6).

29 (5) An analysis of potential and actual nongovernmental  
30 constraints upon the maintenance, improvement, or development  
31 of housing for all income levels, including the availability of  
32 financing, the price of land, and the cost of construction.

33 (6) An analysis of any special housing needs, such as those of  
34 the elderly, persons with disabilities, large families, military  
35 personnel and their dependents, farmworkers, families with  
36 female heads of households, and families and persons in need of  
37 emergency shelter.

38 (7) An analysis of opportunities for energy conservation with  
39 respect to residential development.



1 (8) An analysis of existing assisted housing developments that  
2 are eligible to change from low-income housing uses during the  
3 next 10 years due to termination of subsidy contracts, mortgage  
4 prepayment, or expiration of restrictions on use. “Assisted  
5 housing developments,” for the purpose of this section, shall mean  
6 multifamily rental housing that receives governmental assistance  
7 under federal programs listed in subdivision (a) of Section  
8 65863.10, state and local multifamily revenue bond programs,  
9 local redevelopment programs, the federal Community  
10 Development Block Grant Program, or local in-lieu fees.  
11 “Assisted housing developments” shall also include multifamily  
12 rental units that were developed pursuant to a local inclusionary  
13 housing program or used to qualify for a density bonus pursuant  
14 to Section 65916.

15 (A) The analysis shall include a listing of each development by  
16 project name and address, the type of governmental assistance  
17 received, the earliest possible date of change from low-income use  
18 and the total number of elderly and nonelderly units that could be  
19 lost from the locality’s low-income housing stock in each year  
20 during the 10-year period. For purposes of state and federally  
21 funded projects, the analysis required by this subparagraph need  
22 only contain information available on a statewide basis.

23 (B) The analysis shall estimate the total cost of producing new  
24 rental housing that is comparable in size and rent levels, to replace  
25 the units that could change from low-income use, and an estimated  
26 cost of preserving the assisted housing developments. This cost  
27 analysis for replacement housing may be done aggregately for  
28 each five-year period and does not have to contain a  
29 project-by-project cost estimate.

30 (C) The analysis shall identify public and private nonprofit  
31 corporations known to the local government which have legal and  
32 managerial capacity to acquire and manage these housing  
33 developments.

34 (D) The analysis shall identify and consider the use of all  
35 federal, state, and local financing and subsidy programs which can  
36 be used to preserve, for lower income households, the assisted  
37 housing developments, identified in this paragraph, including, but  
38 not limited to, federal Community Development Block Grant  
39 Program funds, tax increment funds received by a redevelopment  
40 agency of the community, and administrative fees received by a



1 housing authority operating within the community. In considering  
2 the use of these financing and subsidy programs, the analysis shall  
3 identify the amounts of funds under each available program which  
4 have not been legally obligated for other purposes and which could  
5 be available for use in preserving assisted housing developments.

6 (b) (1) A statement of the community's goals, quantified  
7 objectives, and policies relative to the maintenance, preservation,  
8 improvement, and development of housing.

9 (2) It is recognized that the total housing needs identified  
10 pursuant to subdivision (a) may exceed available resources and the  
11 community's ability to satisfy this need within the content of the  
12 general plan requirements outlined in Article 5 (commencing with  
13 Section 65300). Under these circumstances, the quantified  
14 objectives need not be identical to the total housing needs. The  
15 quantified objectives shall establish the maximum number of  
16 housing units by income category that can be constructed,  
17 rehabilitated, and conserved over a five-year time period.

18 (c) A program which sets forth a five-year schedule of actions  
19 the local government is undertaking or intends to undertake to  
20 implement the policies and achieve the goals and objectives of the  
21 housing element through the administration of land use and  
22 development controls, provision of regulatory concessions and  
23 incentives, and the utilization of appropriate federal and state  
24 financing and subsidy programs when available and the utilization  
25 of moneys in a low- and moderate-income housing fund of an  
26 agency if the locality has established a redevelopment project area  
27 pursuant to the Community Redevelopment Law (Division 24  
28 (commencing with Section 33000) of the Health and Safety Code).  
29 In order to make adequate provision for the housing needs of all  
30 economic segments of the community, the program shall do all of  
31 the following:

32 (1) (A) Identify adequate sites which will be made available  
33 through appropriate zoning and development standards and with  
34 services and facilities, including sewage collection and treatment,  
35 domestic water supply, and septic tanks and wells, needed to  
36 facilitate and encourage the development of a variety of types of  
37 housing for all income levels, including multifamily rental  
38 housing, factory-built housing, mobilehomes, housing for  
39 agricultural employees, emergency shelters, and transitional



1 housing in order to meet the community’s housing goals as  
2 identified in subdivision (b).

3 (i) Where the inventory of sites, pursuant to paragraph (3) of  
4 subdivision (a), does not identify adequate sites to accommodate  
5 the need for groups of all household income levels pursuant to  
6 Section 65584, the program shall provide for sufficient sites with  
7 zoning that permits owner-occupied and rental multifamily  
8 residential use by right, including density and development  
9 standards that could accommodate and facilitate the feasibility of  
10 housing for very low and low-income households.

11 (ii) Where the inventory of sites pursuant to paragraph (3) of  
12 subdivision (a) does not identify adequate sites to accommodate  
13 the need for farmworker housing, the program shall provide for  
14 sufficient sites to meet the need with zoning that permits  
15 farmworker housing use by right, including density and  
16 development standards that could accommodate and facilitate the  
17 feasibility of the development of farmworker housing for low- and  
18 very low income households.

19 (B) For purposes of this paragraph, the phrase “use by right”  
20 shall mean the use does not require a conditional use permit, except  
21 when the proposed project is a mixed-use project involving both  
22 commercial or industrial uses and residential uses. Use by right for  
23 all rental multifamily residential housing shall be provided in  
24 accordance with subdivision (f) of Section 65589.5.

25 (C) The requirements of this subdivision regarding  
26 identification of sites for farmworker housing shall apply  
27 commencing with the next revision of housing elements required  
28 by Section 65588 following the enactment of this subparagraph.

29 (2) Assist in the development of adequate housing to meet the  
30 needs of low- and moderate-income households.

31 (3) Address and, where appropriate and legally possible,  
32 remove governmental constraints to the maintenance,  
33 improvement, and development of housing, including housing for  
34 all income levels and housing for persons with disabilities. The  
35 program shall remove constraints to, or provide reasonable  
36 accommodations for housing designed for, intended for  
37 occupancy by, or with supportive services for, persons with  
38 disabilities.

39 (4) Conserve and improve the condition of the existing  
40 affordable housing stock, which may include addressing ways to



1 mitigate the loss of dwelling units demolished by public or private  
2 action.

3 (5) Promote housing opportunities for all persons regardless of  
4 race, religion, sex, marital status, ancestry, national origin, color,  
5 familial status, or disability.

6 (6) (A) Preserve for lower income households the assisted  
7 housing developments identified pursuant to paragraph (8) of  
8 subdivision (a). The program for preservation of the assisted  
9 housing developments shall utilize, to the extent necessary, all  
10 available federal, state, and local financing and subsidy programs  
11 identified in paragraph (8) of subdivision (a), except where a  
12 community has other urgent needs for which alternative funding  
13 sources are not available. The program may include strategies that  
14 involve local regulation and technical assistance.

15 (B) The program shall include an identification of the agencies  
16 and officials responsible for the implementation of the various  
17 actions and the means by which consistency will be achieved with  
18 other general plan elements and community goals. The local  
19 government shall make a diligent effort to achieve public  
20 participation of all economic segments of the community in the  
21 development of the housing element, and the program shall  
22 describe this effort.

23 (d) The analysis and program for preserving assisted housing  
24 developments required by the amendments to this section enacted  
25 by the Statutes of 1989 shall be adopted as an amendment to the  
26 housing element by July 1, 1992.

27 (e) Failure of the department to review and report its findings  
28 pursuant to Section 65585 to the local government between July  
29 1, 1992, and the next periodic review and revision required by  
30 Section 65588, concerning the housing element amendment  
31 required by the amendments to this section by the Statutes of 1989,  
32 shall not be used as a basis for allocation or denial of any housing  
33 assistance administered pursuant to Part 2 (commencing with  
34 Section 50400) of Division 31 of the Health and Safety Code.

35 SEC. 7. Section 21675 of the Public Utilities Code is amended  
36 to read:

37 21675. (a) Each commission shall formulate a  
38 comprehensive land use plan that will provide for the orderly  
39 growth of each public airport and the area surrounding the airport  
40 within the jurisdiction of the commission, and will safeguard the



1 general welfare of the inhabitants within the vicinity of the airport  
2 and the public in general. The commission plan shall include and  
3 shall be based on a long-range master plan or an airport layout  
4 plan, as determined by the Division of Aeronautics of the  
5 Department of Transportation, that reflects the anticipated growth  
6 of the airport during at least the next 20 years. In formulating a land  
7 use plan, the commission may develop height restrictions on  
8 buildings, specify use of land, and determine building standards,  
9 including soundproofing adjacent to airports, within the planning  
10 area. The comprehensive land use plan shall be reviewed as often  
11 as necessary in order to accomplish its purposes, but shall not be  
12 amended more than once in any calendar year.

13 (b) The commission shall include, within its plan formulated  
14 pursuant to subdivision (a), the area within the jurisdiction of the  
15 commission surrounding any military airport for all of the  
16 purposes specified in subdivision (a). The plan shall be consistent  
17 with the safety and noise standards in the Air Installation  
18 Compatible Use Zone prepared for that military airport. This  
19 subdivision does not give the commission any jurisdiction or  
20 authority over the territory or operations of any military airport.

21 (c) The planning boundaries shall be established by the  
22 commission after hearing and consultation with the involved  
23 agencies.

24 (d) The commission shall submit to the Division of  
25 Aeronautics of the department one copy of the plan and each  
26 amendment to the plan.

27 (e) If a comprehensive land use plan does not include the  
28 matters required to be included pursuant to this article, the  
29 Division of Aeronautics of the department shall notify the  
30 commission responsible for the plan.

31 SEC. 8. (a) A city or county shall not be required to comply  
32 with the amendments made by this act to Sections 65302, 65302.3,  
33 ~~and 65560-65560, and 65583~~ of the Government Code, relating to  
34 military readiness activities, military personnel, military airports,  
35 and military installations ~~until the city's or county's next general~~  
36 ~~plan revision~~, *until both of the following occur:*

37 (1) *An agreement is entered into between the United States*  
38 *Department of Defense or other federal agency and the State of*  
39 *California, through the Governor's Office of Planning and*  
40 *Research, for the federal government to fully reimburse all claims*



1 *approved by the Commission on State Mandates and paid by the*  
2 *Controller that cities and counties would be eligible to file as a*  
3 *result of the enactment of this act.*

4 *(2) The city or county undertakes its next general plan revision.*

5 *(b) The amendments made by this act to Sections 65302,*  
6 *65302.2, 65560, and 65583 of the Government Code shall become*  
7 *inoperative on the January 1 following the date that the Director*  
8 *of Planning and Research executes a declaration stating that the*  
9 *agreement described in paragraph (1) of subdivision (a) has been*  
10 *terminated by either party.*

11 SEC. 9. Notwithstanding Section 17610 of the Government  
12 Code, if the Commission on State Mandates determines that this  
13 act contains costs mandated by the state, reimbursement to local  
14 agencies and school districts for those costs shall be made pursuant  
15 to Part 7 (commencing with Section 17500) of Division 4 of Title  
16 2 of the Government Code. If the statewide cost of the claim for  
17 reimbursement does not exceed one million dollars (\$1,000,000),  
18 reimbursement shall be made from the State Mandates Claims  
19 Fund.

